

**ASSEMBLY BILL**

**No. 2393**

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**Introduced by Assembly Member Campos**

February 18, 2016

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An act to add Sections 45196.1 and 88196.1 to the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 2393, as introduced, Campos. School classified employees: sick leave: parental leave.

Under existing law, when a classified school employee in certain school districts and community college districts exhausts all available sick leave, as specified, and continues to be absent from his or her duties on account of illness or accident for an additional period of up to 5 school months, the employee during that additional period receives the difference between his or her salary and the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence. Under existing law, when a classified school employee in certain other school districts and community college districts exhausts all available sick leave, as specified, and continues to be absent from his or her duties on account of illness or accident for an additional period of up to 5 school months, the employee during that additional period receives at least 50% of the employee's regular salary.

This bill would additionally provide the differential pay benefits described above for up to 12 workweeks if the classified school employee is absent on account of parental leave, as defined. The bill would provide that the 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, during a period of parental leave. The bill would provide that, to the extent these provisions

conflict with any provision of a collective bargaining agreement entered into before January 1, 2017, by a public school employer and an exclusive bargaining representative, these provisions shall not apply until the expiration or renewal of that collective bargaining agreement.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 45196.1 is added to the Education Code,  
2 to read:

3 45196.1. (a) (1) Notwithstanding any other law, during each  
4 school year, a classified employee may use his or her sick leave  
5 for purposes of parental leave for a period of up to 12 workweeks.

6 (2) When the employee has exhausted all available sick leave,  
7 including all accumulated sick leave, and continues to be absent  
8 from his or her duties on account of parental leave, the amount  
9 deducted from the salary due him or her for any of the additional  
10 12 workweeks in which the absence occurs shall not exceed the  
11 sum that is actually paid a substitute employee employed to fill  
12 his or her position during his or her absence.

13 (3) Notwithstanding paragraph (2), if a school district maintains  
14 a rule that credits classified employees with no less than 100  
15 working days of sick leave paid at no less than 50 percent of the  
16 employee's regular salary, when an employee has exhausted all  
17 available sick leave, including all accumulated sick leave, and  
18 continues to be absent from his or her duties on account of parental  
19 leave, the employee shall be compensated at no less than 50 percent  
20 of the employee's regular salary for a period of up to 12 weeks for  
21 parental leave.

22 (b) For purposes of subdivision (a), both of the following apply:

23 (1) The 12-week period of parental leave shall be reduced by  
24 any period of sick leave, including accumulated sick leave, taken  
25 during a period of parental leave.

26 (2) An employee shall not be provided more than one 12-week  
27 period for paid parental leave during any 12-month period.

28 (c) This section shall be applicable whether or not the absence  
29 from duty is by reason of a leave of absence granted by the  
30 governing board of the employing school district.

1 (d) Nothing in this section shall be construed as requiring a  
2 classified employee to use his or her sick leave for the purposes  
3 of parental leave as a condition of retaining his or her rights to  
4 unpaid parental leave pursuant to Section 12945.2 of the  
5 Government Code or any other law.

6 (e) To the extent that this section conflicts with a provision of  
7 a collective bargaining agreement entered into by a public school  
8 employer and an exclusive bargaining representative before January  
9 1, 2017, pursuant to Chapter 10.7 (commencing with Section 3540)  
10 of Division 4 of Title 1 of the Government Code, this section shall  
11 not apply until expiration or renewal of that collective bargaining  
12 agreement.

13 (f) For purposes of this section, “parental leave” means leave  
14 for reason of the birth of a child of the employee, or the placement  
15 of a child with an employee in connection with the adoption or  
16 foster care of the child by the employee.

17 SEC. 2. Section 88196.1 is added to the Education Code, to  
18 read:

19 88196.1. (a) (1) Notwithstanding any other law, during each  
20 school year, a classified employee may use his or her sick leave  
21 for purposes of parental leave for a period of up to 12 workweeks.

22 (2) When the employee has exhausted all available sick leave,  
23 including all accumulated sick leave, and continues to be absent  
24 from his or her duties on account of parental leave, the amount  
25 deducted from the salary due him or her for any of the additional  
26 12 workweeks in which the absence occurs shall not exceed the  
27 sum that is actually paid a substitute employee employed to fill  
28 his or her position during his or her absence.

29 (3) Notwithstanding paragraph (2), if a community college  
30 district maintains a rule that credits classified employees with no  
31 less than 100 working days of sick leave paid at no less than 50  
32 percent of the employee’s regular salary, when an employee has  
33 exhausted all available sick leave, including all accumulated sick  
34 leave, and continues to be absent from his or her duties on account  
35 of parental leave, the employee shall be compensated at no less  
36 than 50 percent of the employee’s regular salary for a period of  
37 up to 12 weeks for parental leave.

38 (b) For purposes of subdivision (a), both of the following apply:

1 (1) The 12-week period of parental leave shall be reduced by  
2 any period of sick leave, including accumulated sick leave, taken  
3 during a period of parental leave.

4 (2) An employee shall not be provided more than one 12-week  
5 period for paid parental leave during any 12-month period.

6 (c) This section shall be applicable whether or not the absence  
7 from duty is by reason of a leave of absence granted by the  
8 governing board of the employing community college district.

9 (d) Nothing in this section shall be construed as requiring a  
10 classified employee to use his or her sick leave for the purposes  
11 of parental leave as a condition of retaining his or her rights to  
12 unpaid parental leave pursuant to Section 12945.2 of the  
13 Government Code or any other law.

14 (e) To the extent that this section conflicts with a provision of  
15 a collective bargaining agreement entered into by a public school  
16 employer and an exclusive bargaining representative before January  
17 1, 2017, pursuant to Chapter 10.7 (commencing with Section 3540)  
18 of Division 4 of Title 1 of the Government Code, this section shall  
19 not apply until expiration or renewal of that collective bargaining  
20 agreement.

21 (f) For purposes of this section, “parental leave” means leave  
22 for reason of the birth of a child of the employee, or the placement  
23 of a child with an employee in connection with the adoption or  
24 foster care of the child by the employee.